

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT KEITH ERNST,
Plaintiff,

v.

DAVID FRANCES RAMOS, et al.,
Defendants.

No. 2:21-cv-0813 DAD AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a motion to exceed the twenty-page limit for his opposition to defendants Nelson, Wong, Ashe, Miller, Ramos, and Singh's motion for summary judgment. ECF No. 107. The motion is accompanied by a copy of the proposed opposition. Id. at 3-560. Not including plaintiff's declaration, response to defendants' statement of facts, and exhibits, the opposition is thirty pages in length (id. at 61-90), and plaintiff's motion will be granted.

Plaintiff has also filed a notice stating that he is having difficulty receiving mail from counsel for defendants Sure, Ginwalla, and Miraflor. ECF No. 108. It appears plaintiff may be referring to the summary-judgment motions filed by these defendants, since they have indicated the motions were returned. ECF Nos. 95, 97. Based on defendants' notices, the motions were returned because they included metal fasteners and have since been re-mailed without the metal fasteners. Id. Based on these representations, it appears the mail was sent back because it did not

1 comply with prison regulations for in-coming mail and not as the result of prison staff interfering
2 with plaintiff's legal mail.

3 Plaintiff also states that the mailing of his opposition to the court and the Attorney
4 General's Office was delayed by the prison. ECF No. 108. Plaintiff is reminded that for
5 documents filed with the court, such as oppositions to motions, he is not required to serve
6 defendants' attorney with paper copies of the documents because the attorneys will automatically
7 receive a link to an electronic copy of the filed document. See ECF No. 63 at 6-7. In other
8 words, plaintiff need only mail his opposition to the court.


9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Plaintiff's motion to exceed the page limit (ECF No. 107) is GRANTED.

11 2. The Clerk of the Court is directed to separate and file the proposed opposition (ECF
12 No. 107 at 61-90) and attach to the opposition plaintiff's response to defendants' undisputed
13 statement of facts (ECF No. 107 at 3-30), plaintiff's declaration (ECF No. 107 at 31-60), and the
14 exhibits (ECF No. 107 at 91-560). The documents shall be considered filed as of the date this
15 order is filed. Defendants Nelson, Wong, Ashe, Miller, Ramos, and Singh shall have twenty-one
16 days from the filing of this order to file any reply.

17 3. Plaintiff shall have twenty-one days from the service of this order to file responses to
18 defendants Sure, Ginwalla, and Miraflor's motions for summary judgment.

19 DATED: April 3, 2025

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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